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EXAMINER

HOEL, MATTHEW D

ART UNIT	PAPER NUMBER
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3714

NOTIFICATION DATE	DELIVERY MODE
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06/19/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

Office Action Summary

Application No.

10/661,209

Applicant(s)

MAYA ET AL.

Examiner

Matthew D. Hoel

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

2. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

4. Determining the scope and contents of the prior art.
5. Ascertaining the differences between the prior art and the claims at issue.
6. Resolving the level of ordinary skill in the pertinent art.
7. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1 to 5 and 7 to 9 are rejected under 35 U.S.C. 103(a) as being obvious over Bennett (U.S. pre-grant publication 2001/0049298 A1, application 09/829,126) in view of Thompson (U.S. pre-grant publication 2002/0026404 A1, application 09/888,040).

9. As to Claim 1: '298 addresses all of the limitations of Claim 1 except the plurality of value indicators, each assigned to one symbol, and the final reward being based on a plurality of final values instead of a single final value. Bennett in '298 teaches a gaming device operable upon a wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has at least one value associated with each

Art Unit: 3714

symbol (stock price, Fig. 7). The shares have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value comprised of one or more numerals (price awarded when share is sold, Para. 54; value with serially incrementing digits, Fig. 5). A first event is associated with each symbol (player picks which stock to purchase, Para. 56). '298 has a modifier in the form of a multiplier; the current share price is multiplied by the number of shares at the end of the bonus game (Para. 54). The modifier has a second event associated with it (time period ends or player hits "Sell" button, Para. 54). The award for the stock market bonus game of '298 is based on the final value (final share price) and the multiplier (number of shares, Para. 54). '298 has a video display unit (14, Fig. 1). The display unit displays the symbols (stocks, Fig. 6), displays the values after the first event (fluctuating values of stocks, Para. 53), and displays the award after the second event (Para. 61). '298 teaches all the claimed structural limitations of the valve set forth in Claim 1, as already discussed. '404, however, discloses a plurality of value indicators, each one of the value indicators associated with one of the symbols (stock price with initial, intermediate, and final values, Fig. 5; multiple stocks, each with its own symbol and final share price, Fig. 9, in this case each value indicator or stock price is associated with one of the symbols or stocks available for sale or purchase; recommendations to buy or sell shares, Para. 7, 32, 33, 41-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the simulated trading system of '404, namely the plurality of value indicators, each assigned to one symbol, to the simulated stock game of '298. Fig. 6 of '298 discloses that the player may be able to select from more

than one company's shares, as in '404. '298 also discloses hints on whether or not to buy or sell (Para. 56, Fig. 6), such as brokers' tips, share history, and recent headlines, as done in '404 (Fig. 9; Para. 7, 32, 33, 41-43). This combination would issue an award based on a plurality of the final values and a mathematical modifier (as there are plural final valued, one for each share, and modifiers or the final value multiplied by the number of shares for a multiplier). Additionally, having a plurality of value indicators as opposed to a single value indicator is a mere duplication of parts (in re HARZA, 124 USPQ 378 (C.C.P.A. 1960), MPEP 2144.04(IV)(B)). In this case a plurality of value indicators instead of a single one allows the player to trade more than one stock instead of a single stock; multiple stocks are suggested by '298 in Fig. 6. This combination would have the advantage of providing trading hints to the player based on clearly visible trends ('404, Fig. 9; Para. 7, 32, 33, 41-43), giving the players more faith in the integrity of the game.

10. As to Claim 2: Each of the value indicators of '298 includes a graphical representation (current value of stock price, Fig. 7).

11. As to Claim 3: The graphical representations in '298, Figs. 3a-d and 4 a-b, include integer representations of a starting value, intermediate values, and a final value.

12. As to Claim 4: The first event of '298 is a symbol selection event (picking stocks, Para. 53, Fig. 6).

13. As to Claim 5: The second event of '298 is a symbols selection event (player hits "Sell" button, Para. 54; buttons located on touch screen 38, Fig. 2; Para. 40).

Art Unit: 3714

14. As to Claim 7: '298 has a graphical representation of a meter in the form of a thermometer.

15. As to Claim 8: The stock prices of '298 fluctuate, so the stock's value when the player hits "Sell" or when the time runs out can be less than its initial value (Para. 53). The final value, or final stock price, of '298 is inherently always greater than zero, as stocks cannot have a negative value.

16. As to Claim 9: The intermediate values of the stock prices of '298 can be less than or greater than the initial values (Para. 53).

17. Claims 6, 10 to 29, and 40 to 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over '298 and '404 in view of Nicastro (U.S. patent application publication 2003/0027619 A1, application 10/202,924).

18. As to Claim 6: The combination of '298 and '404 discloses all of the elements of Claim 6, but lacks specificity as to displaying a sum of a plurality of the final values at one time, and displaying the award at a later time. Nicastro, however, in '619 teaches displaying a plurality of the final values at one time (total of values of symbols drawn in bonus game 510, Fig. 11, Para. 67). '619 also teaches displaying the award at a later time (special screen with total won in bonus round, Fig. 14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the game of '619 to '298 and '404. The basic game of '298 can be a slot machine (Para. 37). The base game of '298 is a slot machine (16, Fig. 1, Para. 32). Both games have bonus games that start upon a combination of trigger symbols ('298, Para. 32; '619,

Para. 39). '298 has broker's tips giving clues as to whether or not to buy a particular stock (Para. 56). '619 teaches giving a player information about whether or not to select a symbol (Abstract; Take It or Leave It, Para. 56 to 58). '298 has multiple bonus games (thermometer, Fig. 3; skydiver, Fig. 5; stock market Fig. 6). '619 teaches multiple bonus games as well (Para. 53). The advantage of this combination would be to stimulate players' interest in the game by providing more bonus games to choose from.

19. As to Claim 10: Software implementations of '619 can be used to implement gaming over networks such as the Internet (Para. 36).

20. As to Claim 11: Bennett in '298 teaches a gaming device operable upon a wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has at least one value associated with each symbol (stock price, Fig. 7). The shares have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54). '619 has a first event associated with a symbol (player selects tile to reveal the hidden tile value or stopper value, Para. 57). '619 also has a second event associated with the player selecting a second symbol (at least two picks are available based on two picks per payline, Para. 56; player picks symbols until Take-Its are gone, Para. 56). '619 has a modifier in the form of a multiplier (multiplier by which points won in the bonus game are multiplied, Para. 60). A third event in '619 is associated with the multiplier (stopper value "ZONK" ends bonus game, Para. 56), after which the bonus award is given based on the multiplier (Para. 60). '619 has an award based on the final values and the multiplier (points won in bonus game multiplied by multiplier, Para. 60). '619 has a

Art Unit: 3714

video display unit (16, Fig. 1). The display unit of '619 displays the value indicators associated with the symbols after the first and second events (values shown after symbols picked, Fig. 6). '619 displays the award after the third event occurs (total window 116, Fig. 5). '404 discloses a plurality of value indicators, each one of the value indicators associated with one of the symbols (stock price with initial, intermediate, and final values, Fig. 5; multiple stocks, each with its own symbol and final share price, Fig. 9, in this case each value indicator or stock price is associated with one of the symbols or stocks available for sale or purchase; recommendations to buy or sell shares, Para. 7, 32, 33, 41-43). This combination would issue an award based on a plurality of the final values and a mathematical modifier (as there are plural final valued, one for each share, and modifiers or the final value multiplied by the number of shares for a multiplier). This combination provides trading hints to the player based on clearly visible trends ('404, Para. 7, 32, 33, 41-43), giving the players more faith in the integrity of the game.

21. As to Claim 12: Each of the value indicators of '298 includes a graphical representation (current value of stock price, Fig. 7).

22. As to Claim 13: The graphical representations in '298, Figs. 3a-d and 4 a-b, include integer representations of a starting value, intermediate values, and a final value.

23. As to Claim 14: '619 has a first event associated with player selecting a symbol (player selects tile to reveal the hidden tile value or stopper value, Para. 57). '619 also has a second event associated with the player selecting a second symbol (at least two

Art Unit: 3714

picks are available based on two picks per payline, Para. 56; player picks symbols until Take-Its are gone, Para. 56).

24. As to Claim 15: The third event in '619 is associated the player selecting a symbol (symbol picked revealing stopper value "ZONK" ends bonus game, Para. 56), after which the bonus award is given based on the multiplier (Para. 60).

25. As to Claim 16: '619 teaches displaying a plurality of the final values at one time (total of values of symbols drawn in bonus game 510, Fig. 11, Para. 67). '619 also teaches displaying the award at a later time (special screen with total won in bonus round, Fig. 14).

26. As to Claim 17: '298 has a graphical representation of a meter in the form of a thermometer.

27. As to Claim 18: The stock prices of '298 fluctuate, so the stock's value when the player hits "Sell" or when the time runs out can be less than its initial value (Para. 53). The final value, or final stock price, of '298 is inherently always greater than zero, as stocks cannot have a negative value.

28. As to Claim 19: The intermediate values of the stock prices of '298 can be less than or greater than the initial values (Para. 53).

29. As to Claim 20: Software implementations of '619 can be used to implement gaming over networks such as the Internet (Para. 36).

30. As to Claim 21: Bennett in '298 teaches a gaming device operable upon a wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has at least one value associated with each symbol (stock price, Fig. 7). '619 has

Art Unit: 3714

a first selection opportunity enabling a player to select a designated quantity of symbols (player has designated number of Take It symbols in a bonus game, Para. 51). The shares of '298 have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54). A first event is associated with each symbol (player picks which stock to purchase, Para. 56). The shares (symbols in the bonus game of '298) each have their own modifier in the form of a multiplier (number of shares times final value of shares equals bonus award for that stock, Para. 61). '619 has a second opportunity to reselect a designated quantity of symbols in the group (designated number of Leave It symbols allowing player to pick another symbol in the bonus game, Para. 51). '619 has a multiplier multiplied by the number of points won in the bonus game, including the points won by reselecting new symbols after using Leave Its to discard unwanted symbols (Para. 60). '619 has a video display unit (16, Fig. 1). The display unit of '619 displays the value indicators associated with the symbols after the first and second events (values shown after symbols picked, Fig. 6). '619 displays the award after the third event occurs (total window 116, Fig. 5). '404 discloses a plurality of value indicators, each one of the value indicators associated with one of the symbols (stock price with initial, intermediate, and final values, Fig. 5; multiple stocks, each with its own symbol and final share price, Fig. 9, in this case each value indicator or stock price is associated with one of the symbols or stocks available for sale or purchase; recommendations to buy or sell shares, Para. 7, 32, 33, 41-43). This combination would issue an award based on a plurality of the final values and a mathematical

Art Unit: 3714

modifier (as there are plural final valued, one for each share, and modifiers or the final value multiplied by the number of shares for a multiplier). This combination provides trading hints to the player based on clearly visible trends ('404, Para. 7, 32, 33, 41-43), giving the players more faith in the integrity of the game.

31. As to Claim 22: Each of the value indicators of '298 includes a graphical representation (current value of stock price, Fig. 7).

32. As to Claim 23: '298 has a graphical representation of a meter in the form of a thermometer.

33. As to Claim 24: The stock prices of '298 fluctuate, so the stock's value when the player hits "Sell" or when the time runs out can be less than its initial value (Para. 53). The final value, or final stock price, of '298 is inherently always greater than zero, as stocks cannot have a negative value.

34. As to Claim 25: The intermediate values of the stock prices of '298 can be less than or greater than the initial values (Para. 53).

35. As to Claim 26: The multiplier of '619 increases the number of points won in the bonus game (Para. 60).

36. As to Claim 27: The numerical increases of '298 Figs. 3a-d and 4a-b are integer-by-integer increases.

37. As to Claim 28: '619 has indicators 124 (values of tiles) and 126 (stopper indicators) on the sides of the screen in Fig. 5, indicating the values of all the tiles on the screen, including those not selected by the player (Para. 50).

Art Unit: 3714

38. As to Claim 29: Software implementations of '619 can be used to implement gaming over networks such as the Internet (Para. 36).

39. As to Claim 40: Bennett in '298 teaches a gaming device operable upon a wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has at least one value associated with each symbol (stock price, Fig. 7). The shares have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value comprising one or more numerals (price awarded when share is sold, Para. 54; serially incrementing digits, Para. 5). A plurality of symbols has events associated with them, namely, being picked by a player ('619, bonus game continues until Take Its are gone or a stopper, or terminator, value is drawn, Para. 57). '619 has player input devices (17, Fig. 1). '619 can take accept or decline inputs from players (Take Its or Leave Its, Para. 56 to 58). '619 gives an award based on the final values times a multiplier (Para. 60). '619 displays the symbols and their associated values after they are picked by the player (Fig. 6). If the player provides a decline (Leave It) input, '619 displays the value associated with the next Take It input (Para. 57). '404 discloses a plurality of value indicators, each one of the value indicators associated with one of the symbols (stock price with initial, intermediate, and final values, Fig. 5; multiple stocks, each with its own symbol and final share price, Fig. 9, in this case each value indicator or stock price is associated with one of the symbols or stocks available for sale or purchase; recommendations to buy or sell shares, Para. 7, 32, 33, 41-43). This combination would issue an award based on a plurality of the final values and a mathematical modifier (as there are plural final valued,

Art Unit: 3714

one for each share, and modifiers or the final value multiplied by the number of shares for a multiplier). This combination provides trading hints to the player based on clearly visible trends ('404, Para. 7, 32, 33, 41-43), giving the players more faith in the integrity of the game.

40. As to Claim 41: Each of the value indicators of '298 includes a graphical representation (current value of stock price, Fig. 7).

41. As to Claim 42: The graphical representations in '298, Figs. 3a-d and 4 a-b, include integer representations of a starting value, intermediate values, and a final value.

42. As to Claim 43: The first event of '298 is a symbol selection event (picking stocks, Para. 53, Fig. 6).

43. As to Claim 44: '298 has a graphical representation of a meter in the form of a thermometer.

44. As to Claim 45: The stock prices of '298 fluctuate, so the stock's value when the player hits "Sell" or when the time runs out can be less than its initial value (Para. 53). The final value, or final stock price, of '298 is inherently always greater than zero, as stocks cannot have a negative value.

45. As to Claim 46: The intermediate values of the stock prices of '298 can be less than or greater than the initial values (Para. 53).

46. As to Claim 47: Software implementations of '619 can be used to implement gaming over networks such as the Internet (Para. 36).

Art Unit: 3714

47. Claims 30 to 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over '298, '404, and '619 in view of Sakamoto (U.S. patent 6,471,588 B2).

48. As to Claim 30: The combination of '298, '404, and '619 discloses all of the elements of Claim 30, but lacks specificity as to allowing a first period of time to elapse before showing an intermediate value for a selected symbol and allowing a second period of time to elapse before showing a final value for a selected symbol. '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has a value associated with each symbol (stock price, Fig. 7). '619 has a first selection opportunity enabling a player to select a designated quantity of symbols (player has designated number of Take It symbols in a bonus game, Para. 51). The shares of '298 have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54). The shares (symbols in the bonus game of '298) each have their own modifier in the form of a multiplier (number of shares times final value of shares equals bonus award for that stock, Para. 61). '619 has an opportunity to reselect a designated quantity of symbols in the group (designated number of Leave It symbols allowing player to pick another symbol in the bonus game, Para. 51). '619 has a multiplier multiplied by the number of points won in the bonus game, including the points won by reselecting new symbols after using Leave Its to discard unwanted symbols (Para. 60); the award is then awarded to the player. The slot machine of '619 has multiple symbols (Para. 39), multiple paylines (Para. 46), and a paytable defining the different amounts won for each payline (button 62, Para. 45). Some of the winning paylines of '619 (top, center, and

bottom, Fig. 3) have the same symbol all the way across, so each symbol has an intrinsic numerical value in itself, and not just when taken in combination with different symbols to form a winning payline. '404 discloses a plurality of value indicators, each one of the value indicators associated with one of the symbols (stock price with initial, intermediate, and final values, Fig. 5; multiple stocks, each with its own symbol and final share price, Fig. 9, in this case each value indicator or stock price is associated with one of the symbols or stocks available for sale or purchase; recommendations to buy or sell shares, Para. 7, 32, 33, 41-43). This combination would issue an award based on a plurality of the final values and a mathematical modifier (as there are plural final valued, one for each share, and modifiers or the final value multiplied by the number of shares for a multiplier). This combination provides trading hints to the player based on clearly visible trends ('404, Para. 7, 32, 33, 41-43), giving the players more faith in the integrity of the game. Sakamoto, however, in '588 teaches allowing a first period of time to elapse before showing an intermediate value for a selected symbol and allowing a second period of time to elapse before showing a final value for a selected symbol. '588 teaches a slot machine with three reels (Fig. 1). A plurality of stop commands is received, one for each reel (equivalent to receiving a select command for a symbol; Col. 4, Lines 10 to 11). The reel is shifted in a first scroll direction during a first time period (Col. 10, Lines 21 to 23, Figs. 14 and 15) and in a second (opposite) scroll direction during a second time period (Col. 10, Lines 24 to 26, Fig. 16). The reel then comes to a stop (Fig. 17). Since the reel has to change from the first scroll direction to a second scroll direction, it will have to decelerate in the first direction, leaving it stopped for an

instant, before accelerating in the second opposite direction. The value showed on the reel when it is instantaneously stopped while changing directions is an intermediate value. The value showed on the reel when it decelerates and stops in the second direction is a final value. It would be obvious to one of ordinary skill in the art at the time the invention was made to apply the elapsed time periods of '588 to the combination of '298, '404, and '619. The base game of '588 is a slot machine (Fig. 1), like the base games of '298 and '619. The method of '588 is capable of being implemented on video displays like those of '298 and '619 (Col. 8, Line 65 to Col. 9, Line 8), and not just on mechanical reels. The stock values of '298 have fluctuating values (Para. 53), which are ideal for being represented by the odometer-like reels of '588 that change direction, showing an intermediate value, before stopping at a final value. The advantage of this combination would be to build suspense on the part of the player by not immediately showing what the final value of the selected symbol is. As to Claim 31: The numerical increases of '298 Figs. 3a-d and 4a-b are integer-by-integer increases.

49. As to Claim 32: The shares of '298 have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54).

50. As to Claim 34: In '619 the step of determining an award can include determining an amount greater than the sum of the indicated final value. In Para. 60, the sum of the points won in the bonus game is multiplied by a multiplier.

51. As to Claim 33: It is inherent that the combination of '298, '619, and '588 would be able to repeat the steps (c) through (g) for a first selected symbol and a second

selected symbol. '588 teaches receiving a plurality of stop instructions (Col. 4, Lines 10 to 11). '619 teaches selecting symbols one at a time until they are gone (Para. 57).

52. As to Claim 34: In '619 the step of determining an award can include determining an amount greater than the sum of the indicated final value. In Para. 60, the sum of the points won in the bonus game is multiplied by a multiplier.

53. As to Claim 35: '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '619 teaches enabling a player to select a first symbol (Para. 57). '298 indicates an initial value associated with a first symbol (initial stock price, Fig. 6). '588 teaches allowing a first period of time to elapse (reel moving one direction to stop and indicate an intermediate value; Col. 10, Lines 21 to 23). '588 indicates an intermediate value associated with a first symbol (Fig. 16). '588 allows a second period of time to elapse (Col. 10, Lines 24 to 26). '588 shows a final value associated with a first symbol (Fig. 17). '619 can have at least two picks available (Para. 56) and continues until all the picks are gone (Para. 57), so it can allow a player to select a second symbol. '588 teaches allowing a third period of time associated with a second symbol to elapse (reel moving one direction to stop and indicate an intermediate value; Col. 10, Lines 21 to 23). '588 indicates an intermediate value associated with a second symbol (Fig. 16). '588 allows a fourth period of time associated with a second symbol to elapse (Col. 10, Lines 24 to 26). '588 shows a final value associated with a second symbol (Fig. 17). '619 has an opportunity to reselect a designated quantity of symbols in the group (designated number of Leave It symbols allowing player to pick another symbol in the bonus game, Para. 51). The shares (symbols in the bonus game of '298) each have

Art Unit: 3714

their own modifier in the form of a multiplier (number of shares times final value of shares equals bonus award for that stock, Para. 61). '619 has a multiplier multiplied by the number of points won in the bonus game, including the points won by reselecting new symbols after using Leave Its to discard unwanted symbols (Para. 60); the award is then awarded to the player. '404 discloses a plurality of value indicators, each one of the value indicators associated with one of the symbols (stock price with initial, intermediate, and final values, Fig. 5; multiple stocks, each with its own symbol and final share price, Fig. 9, in this case each value indicator or stock price is associated with one of the symbols or stocks available for sale or purchase; recommendations to buy or sell shares, Para. 7, 32, 33, 41-43). This combination would issue an award based on a plurality of the final values and a mathematical modifier (as there are plural final valued, one for each share, and modifiers or the final value multiplied by the number of shares for a multiplier). This combination provides trading hints to the player based on clearly visible trends ('404, Para. 7, 32, 33, 41-43), giving the players more faith in the integrity of the game.

54. As to Claims 36 and 37: The numerical increases of '298 Figs. 3a-d and 4a-b are integer-by-integer increases.

55. As to Claim 38: The shares of '298 have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54).

56. As to Claim 39: In '619 the step of determining an award can include determining an amount greater than the sum of the indicated final value. In Para. 60, the sum of the points won in the bonus game is multiplied by a multiplier.

Response to Arguments

57. Applicant's arguments with respect to Claims 1 to 47 have been considered but are moot in view of the new ground(s) of rejection. The rejection in light of Rose has been withdrawn as the reference no longer reads on the claim as amended. The examiner respectfully disagrees with the applicants as to the claims' condition for allowance.

Conclusion

58. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

59. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3714

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

60. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

61. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

62. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 3714